IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION NO : 10663 of 1997

Between:

1 M. Satyavathi, W/o. Gurumurthy,
R/o. Jalaripeta, Konda Merka,
Dowlaiswaram, E.G.District.
2 M.Lakshmamma, W/o. Simmayya,
R/o.Jalaripeta, Konda Meraka,
Dowlaiswaram, E.G.District.

..... PETITIONERS

AND

1 The District Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Rajahmundry, E.G.District.
3 The Mandal Revenue Officer, Rajahmundry Rural,
Dowlaiswaram, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ or order or a direction more particularly one in the nature of Writ of Mandamus declaring proceedings in Ref. G.4574/96 dt. 5.11.96 of the 2nd respondent as highly illegal, arbitrary, unjust,improper and against to the principles of Natural justice and consequently set a side the same.

Counsel for the Petitioner: MR.BADANA.BHASKARA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition has been filed seeking for issuance of a writ or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Ref.No.G.4574/96, dated 5-11-1996 of the 2nd respondent as illegal and arbitrary and against the principles of natural justice and pass such other suitable orders.

The main grievance ventilated by the petitioners is that the impugned order was passed without putting them on notice and without affording them any opportunity.

In the facts and circumstances, this Court is satisfied that the order of the 2nd respondent is passed without putting the petitioners on notice and without affording them proper opportunity.

In view of the same, the impugned order is hereby quashed and the 2nd respondent-Revenue Divisional Officer is directed to issue notice to the petitioners and afford a reasonable opportunity and pass appropriate orders in this regard, in accordance with law. However, it is made clear that till appropriate orders are passed status quo existing as on today to be maintained.

The writ petition is, accordingly, disposed of. No order as to costs.

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20-12-2004

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To

1 The District Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Rajahmundry, E.G.District.
3 The Mandal Revenue Officer, Rajahmundry Rural, Dowlaiswaram, E.G.District.

4 Two CCs to GP for Revenue, High Court buildings, Hyderabad

(OUT)

5 Two CD copies.